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DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF
LANI HATCH dba
THE DRYWALL SURGEONS
TO PRACTICE AS A CONTRACTOR
IN THE STATE OF UTAH

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

-OSC-
Case No DOPL-2009-212

FINDINGS OF FACT

1 The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 11th day of April 2011

2 This action is based upon Division records which show Lani Hatch, (the "Respondent") failed to demonstrate and maintain financial responsibility as required under Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306

3 The Respondent has filed a response to the notice of agency action. However, the response fails to demonstrate the obligations specified in the notice of agency action have been adequately resolved. Respondent represents the \$242,390 judgment by American Builders & Contractors is being paid at \$200 per month. Respondent also represents the federal tax lien of \$154,504 is being paid at \$500 per month. These payment arrangements are inadequate to ever resolve these delinquencies.

4 Respondent alleges he is negotiating an installment agreement with the Utah State Tax Commission.

5 The response fails to demonstrate the Respondent is able to pay Respondent's obligations as they become due and the payment agreements cannot be expected to pay off the debt in a reasonable length of time.

6 Respondent has failed to demonstrate financial responsibility by the alternative means of posting a license bond.

7 Therefore, according to Division records and after a review of Respondent's response in this matter, Respondent has failed to demonstrate and maintain financial responsibility as outlined above which constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsections 58-1-401(1) and (2)

CONCLUSIONS OF LAW

8 Based upon Respondent's failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-55-502(1), and Section R156-55a-306, the Respondent has engaged in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306

9 The Division is authorized to revoke or place on probation the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because the Respondent no longer meets the qualifications for license as required by Utah Code Annotated Subsection 58-55-102(19)

10 The Division is authorized to revoke or place on probation the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a) for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) for failure to maintain financial responsibility as required by Utah Code Annotated Section 58-55-306

ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall continue on probation and Respondent is ordered to meet with the Construction Services Commission in one year to provide an update on the Respondent's financial status

On behalf of the Construction Services Commission and the Division of Occupational and professional licensing, I hereby certify the foregoing Findings of Fact, Conclusions of Law and Order was submitted to the Construction Services Commission and the Division on the 25th day of January 2012 for their review and action


Dan S Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in the matter of **LANI HATCH dba THE DRYWALL SURGEONS**, is hereby adopted by the Construction Services Commission of the State of Utah

DATED this 25 day of Jan, 2012


CONSTRUCTION SERVICES COMMISSION
Representative

I concur with the above Order, which the Construction Services Commission has approved

DATED this 27 day of Jan, 2012

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B STEINAGEL
Director

Agency review of this order may be obtained by filing a request for agency review within thirty (30) days after the date of this order. If you choose to file a request for agency review, you must adhere to the attached procedures